

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GALDERMA LABORATORIES, L.P.,	)	
GALDERMA S.A. and GALDERMA	)	
RESEARCH AND DEVELOPMENT, S.N.C.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 10-887 (LPS)
	)	
ACTAVIS MID ATLANTIC LLC,	)	
	)	
Defendant.	)	

**PLAINTIFFS' ANSWER TO DEFENDANT'S COUNTERCLAIMS**

Plaintiffs Galderma Laboratories, L.P., Galderma S.A., and Galderma Research & Development, S.N.C. (collectively, "Galderma") answer Actavis Mid Atlantic LLC's counterclaims as follows:

**The Parties**

- 45. Admitted.<sup>1</sup>
- 46. Admitted.
- 47. Admitted.
- 48. Admitted.

**The Patents-In-Suit**

- 49. Admitted.

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<sup>1</sup> Paragraph numbering herein corresponds to the paragraph numbering in the "Counterclaims" section of the Answer and Counterclaims of Defendant Actavis Mid Atlantic LLC. See D.I. 6 at pgs. 6-9.

**Jurisdiction And Venue**

50. Galderma admits that Actavis has asserted counterclaims for a declaration of noninfringement and invalidity under the Declaratory Judgments Act, 28 U.S.C. § 2201 *et seq.*, and the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, but denies that those counterclaims are valid or sustainable. Galderma admits subject matter jurisdiction of these Counterclaims is proper.

51. Admitted.

52. Admitted.

53. Admitted.

54. Galderma admits that venue is proper in this district for purposes of this matter only.

55. Galderma admits that a judiciable controversy exists between Actavis and Galderma concerning the infringement and validity of the '377 and '181 patents. Galderma denies the remaining allegations of paragraph 55.

**Plaintiffs' Answer to Defendant's First Counterclaim  
(Declaratory Judgment of Noninfringement of U.S. Patent No. 7,579,377)**

56. Denied.

57. Denied.

**Plaintiffs' Answer to Defendant's Second Counterclaim  
(Declaratory Judgment of Noninfringement of U.S. Patent No. 7,737,181)**

58. Denied.

59. Denied.

**Plaintiffs' Answer to Defendant's Third Counterclaim  
(Declaratory Judgment of Invalidity of U.S. Patent No. 7,579,377)**

60. Denied.

61. Denied.

**Plaintiffs' Answer to Defendant's Fourth Counterclaim  
(Declaratory Judgment of Invalidity of U.S. Patent No. 7,737,181)**

62. Denied.

63. Denied.

**PRAYER FOR RELIEF**

WHEREFORE, Galderma respectfully requests that this Court enter judgment in its favor as follows:

- a) dismissing each of Actavis' Counterclaims with prejudice;
- b) granting Galderma such further and additional relief that this Court deems

just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



Jack B. Blumenfeld (#1014)  
Maryellen Noreika (#3208)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
(302)658-9200  
[jblumenfeld@mnat.com](mailto:jblumenfeld@mnat.com)  
[mnoreika@mnat.com](mailto:mnoreika@mnat.com)

*Attorneys for Plaintiffs*

OF COUNSEL:

Charles E. Lipsey  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190-5675  
(571) 203-2700

Susan H. Griffen  
Howard W. Levine  
Rebecca D. Hess  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 New York Avenue, NW  
Washington, DC 20001-4413  
(202) 408-4000

November 30, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2010, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to:

Richard L. Horwitz, Esquire  
David E. Moore, Esquire  
POTTER ANDERSON & CORROON LLP

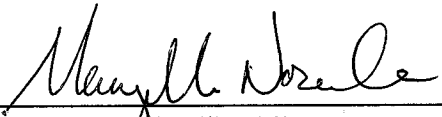
I further certify that I caused copies of the foregoing document to be served on November 30, 2010, upon the following in the manner indicated:

Richard L. Horwitz, Esquire  
David E. Moore, Esquire  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza – 6<sup>th</sup> Floor  
1313 North Market Street  
Wilmington, DE 19801

*VIA ELECTRONIC MAIL*

Steven H. Sklar, Esquire  
Gregory C. Bays, Esquire  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza  
180 North Stetson  
Suite 4900  
Chicago, IL 60601

*VIA ELECTRONIC MAIL*

  
\_\_\_\_\_  
Maryellen Norelka (#3208)